

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DALE MAISANO,

v.

NURSE PRACTITIONER JOHN
MODRZEJEWSKI et al.

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Case No. 3:13-mc-0211

Judge Campbell

ORDER


Pro se plaintiff Dale Maisano has filed a photocopied one-page complaint in which he alleges only that he is “cold on a constant [sic]. I’ve filed grievances and medical requests with no correction to this issue. This is a basic human need.” (ECF No. 1.) He seeks injunctive relief and damages in the amount of “Ten Trillion Dollars U.S.” (Id.)

The plaintiff is barred by 28 U.S.C. § 1915(g) from proceeding *in forma pauperis*. He did not submit the \$400.00 filing fee with his complaint, and he does not plausibly allege that he is in imminent danger of serious physical injury. Moreover, the complaint is not in compliance with the Order and Restraining Order entered by Senior United States District Judge Stephen M. McNamee on August 11, 1992 in an unsuccessful attempt to curtail the plaintiff’s voluminous frivolous filings. Among other things, Judge McNamee’s order enjoins Maisano from filing any civil action in the United States District Court for the District of Arizona, or any other federal court, without first obtaining leave of the court. *See Maisano v. Lewis*, CIV 92-1026-PHX-SMM (MS) (D. Ariz. Aug. 11, 1992) (Order and Restraining Order).

Pursuant to the Restraining Order, any “[f]ailure to comply strictly with [its] terms . . . will be sufficient ground to deny leave to file.” *Id.* Because the plaintiff made no attempt with his current filing to comply with the Restraining Order, the present complaint is hereby **DISMISSED WITHOUT PREJUDICE**. An appeal of this order would not be in good faith, and the Court will not grant leave to appeal *in forma pauperis*.

The Clerk is **DIRECTED** to enter assign a civil action number to this case, to enter judgment and to close the case, in accordance with Rule 58, Fed. R. Civ. P.

It is so **ORDERED**.



Todd Campbell
United States District Judge